

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Team # 4	CCRB Case #: 201402580	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/15/2014 5:12 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 9/15/2015	EO SOL 9/15/2015	
Date/Time CV Reported Tue, 03/18/2014 12:44 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/18/2014 12:44 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Digangi	16130	944509	120 PCT
2. SGT Bekim Kalicovic	02478	936834	120 PCT
3. POM Michael Tarulli	27694	929239	120 PCT
4. POM Brian Behan	26304	940967	120 PCT
5. POM Michael Tarangelo	12095	949715	120 PCT
6. An officer			120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bekim Kalicovic	Abuse: Sgt. Bekim Kalicovic entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
B.SGT Bekim Kalicovic	Discourtesy: Sgt. Bekim Kalicovic spoke discourteously to § 87(2)(b) inside of § 87(2)(b) in Staten Island.	§ 87(2)(b)
C.SGT Bekim Kalicovic	Abuse: Sgt. Bekim Kalicovic searched § 87(2)(b) in Staten Island.	§ 87(2)(b)
D.POM Michael Tarulli	Discourtesy: PO Michael Tarulli spoke discourteously to § 87(2)(b) inside of § 87(2)(b) in Staten Island.	§ 87(2)(b)
E.SGT Bekim Kalicovic	Abuse: Sgt. Bekim Kalicovic entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
F.SGT Bekim Kalicovic	Force: Sgt. Bekim Kalicovic used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.POM Brian Behan	Force: PO Brian Behan used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
H.POM Michael Tarangelo	Force: PO Michael Tarangelo used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
I.POM Michael Tarulli	Force: PO Michael Tarulli used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
J.POM Richard Digangi	Force: PO Richard Digangi used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
K.SGT Bekim Kalicovic	Off. Language: Sgt. Bekim Kalicovic made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) in Staten Island.	
L.POM Brian Behan	Off. Language: PO Brian Behan made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) in Staten Island.	
M.POM Michael Tarangelo	Off. Language: PO Michael Tarangelo made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) in Staten Island.	
N.POM Richard Digangi	Off. Language: PO Richard Digangi made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) in Staten Island.	
O.POM Michael Tarulli	Off. Language: PO Michael Tarulli made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) in Staten Island.	
P. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force inside of § 87(2)(b) in Staten Island.	
Q. An officer	Force: An officer used a chokehold against § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
R. An officer	Abuse: An officer threatened to arrest § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
S.SGT Bekim Kalicovic	Discourtesy: Sgt. Bekim Kalicovic spoke discourteously to § 87(2)(b) inside of § 87(2)(b) in Staten Island.	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On March 18, 2014, § 87(2)(b) called the CCRB to file this complaint (encl. 13a-d). On March 15, 2014, at approximately 5:12PM, an anonymous female called 911 and reported that there were guns inside of § 87(2)(b) § 87(2)(b) in Staten Island (encl. 40a). The following allegations resulted:

**Allegation A: Abuse of Authority—Sgt. Bekim Kalicovic entered § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation C: Abuse of Authority--Sgt. Bekim Kalicovic searched § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation B: Discourtesy--Sgt. Bekim Kalicovic spoke discourteously to § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation D: Discourtesy--PO Michael Tarulli spoke discourteously to § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation E: Abuse of Authority--Sgt. Bekim Kalicovic entered § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation F: Force--Sgt. Bekim Kalicovic used physical force against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation G: Force--PO Brian Behan used physical force against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation H: Force--PO Michael Tarangelo used physical force against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation I: Force--PO Michael Tarulli used physical force against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation J: Force--PO Richard Digangi used physical force against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation K: Offensive Language--Sgt. Bekim Kalicovic made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**  
**Allegation L: Offensive Language--PO Brian Behan made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**  
**Allegation M: Offensive Language--PO Michael Tarangelo made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**  
**Allegation N: Offensive Language--PO Richard Digangi made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**  
**Allegation O: Offensive Language--PO Michael Tarulli made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation P: Abuse of Authority--An officer threatened § 87(2)(b) with the use of force inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation Q: Force--An officer used a chokehold against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation R: Abuse of Authority--An officer threatened to arrest § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

**Allegation S: Discourtesy--Sgt. Bekim Kalicovic spoke discourteously to § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

### Results of Investigation

#### **VIDEO (encl. 48a-b)**

The video, located in CCRB Investigative Action #55, is 4:24 long and was filmed on a cellphone by a male neighbor of § 87(2)(b) § 87(2)(b) provided the video to the CCRB on May 28, 2014.

The video begins with inaudible screaming coming from behind the perspective of the camera. Sgt. Kalicovic and PO Digangi, are carrying § 87(2)(b) from the sidewalk to a marked RMP. § 87(2)(b) does not have a shirt or shoes on, and he is not moving his body. PO Digangi is

holding § 87(2)(b) feet and Sgt. Kalicovic is holding § 87(2)(b) by his arms; § 87(2)(b) body is parallel to the ground. PO Tarangelo and PO Tarulli follow closely behind § 87(2)(b). Two marked RMPs are parked on the street in front of § 87(2)(b). § 87(2)(b) and § 87(2)(b) are sitting on chairs on the sidewalk outside of § 87(2)(b). PO Tarulli approaches § 87(2)(b) and § 87(2)(b). The beginning portion of a conversation between PO Tarulli, § 87(2)(b) and § 87(2)(b) is inaudible although it sounds like PO Tarulli says, "We stood outside and then we left." PO Tarulli audibly says, "And I apologize for that. We were just doing our job. Comes in...when you pick up your hands to a police officer, that's what you expect." PO Tarulli walks away from § 87(2)(b) and § 87(2)(b) towards the RMP in which § 87(2)(b) is being placed. A male voice from behind the perspective of the camera says, "Yo calm down man."

§ 87(2)(b) is saying something inaudibly. A male voice may be heard from in front of the camera saying, "Stop moving." A voice says, "Sit the fuck down." § 87(2)(b) says, "I didn't do nothing, man." § 87(2)(b) is placed in the marked RMP parked further away from § 87(2)(b).

PO Silva and PO Behan walk directly in front of the camera, moving on the sidewalk from the direction of § 87(2)(b) § 87(2)(b) towards the second RMP.

§ 87(2)(b) from behind the perspective of the camera, says, "I seen them when I walked upstairs. They were jumping him in the living room." A female civilian tells § 87(2)(b) to calm down. § 87(2)(b) says, "This makes no sense." Both marked RMPs exit the scene, and a third marked RMP enters and exits the frame. No police officers appear to remain at the scene.

§ 87(2)(b) is crying and pacing back and forth on the sidewalk outside of § 87(2)(b). A male voice outside the perspective of the camera asks what happened. § 87(2)(b) says, "I don't know. They just came in, said we had guns in the house, and jumped my father. No." A male voice outside the perspective of the camera says, "They found a gun?" § 87(2)(b) says, "No they didn't. They just jumped him." § 87(2)(b) walks away yelling guttural sounds, and enters § 87(2)(b) § 87(2)(b) slamming the door behind him.

The videographer enters § 87(2)(b) § 87(2)(b) walking up a flight of narrow stairs into the living room of the apartment. A frantic female voice coming from outside the frame of the camera, but from somewhere in the apartment, can be heard saying, "He didn't even do nothing. I told them he didn't do nothing. I tried to calm him down. He wouldn't listen." The camera pans around the living room, and a table is laying sideways near the middle of the living room.

A male voice can be heard saying, "Nay-nay, what happened." The camera goes down the hallway past the living room and into a bedroom. The female with the frantic voice, ostensibly § 87(2)(b) is standing in the back bedroom. § 87(2)(b) says, "They came upstairs [inaudible]. I was on the phone with my sister. They came upstairs saying someone called the cops. § 87(2)(b) came out the room, said let me call my wife. § 87(2)(b) got on the phone to call her, and then they... § 87(2)(b) put his hand up like this to show the guy (§ 87(2)(b) sticks out her right arm, gesturing like she was holding a phone in that hand) cuz the guy kept smacking his hand. So § 87(2)(b) went like this (§ 87(2)(b) gestures to show her right elbow bent, her right hand at approximately eye level, and her hand positioned as if holding a cellphone) and the next thing I know the skinny one with his hair, his hair like this, whatever, turns around § 87(2)(b) and took him down. And they all jumped on him and started jumping him. And § 87(2)(b) didn't even put up a fight. He didn't even hit them back or nothing. He didn't hit them or nothing."

## Civilian Statements

### Victim: § 87(2)(b)

- § 87(2)(b) is a black male who stands 5'9" tall, weighs 170 pounds, is § 87(2)(b) old, with black hair and brown eyes.
- § 87(2)(b) works for § 87(2)(b).

### CCRB Testimony:

§ 87(2)(b) was interviewed by the CCRB on April 15, 2014 (encl. 20a-f). On March 15, 2014, at approximately 5:00PM, § 87(2)(b) and his cousin § 87(2)(b) were alone in their apartment at § 87(2)(b) § 87(2)(b) in Staten Island. § 87(2)(b) was standing in the kitchen which is adjacent to the living room, and § 87(2)(b) was standing in the middle of the living room when two uniformed officers, identified by the investigation as Sgt. Beckim Kalicovic and PO Michael Tarulli, entered the apartment.

Sgt. Kalicovic was described as a white male, heavy-set, 5'11" – 6'0" tall, with black hair. PO Tarulli was described as a white male, 5'9" tall, 300 pounds, in his 40s, with black hair and a receding hairline.

No one provided their consent for either Sgt. Kalicovic or PO Tarulli to enter the apartment. Sgt. Kalicovic and PO Tarulli entered by opening the door of the apartment which was unlocked, although § 87(2)(b) did not see either officer open the door. Neither officer knocked or said anything prior to entering the apartment. Prior to the entry, there was no noise, commotion, or disturbance coming from the apartment.

Both Sgt. Kalicovic and PO Tarulli had their guns drawn as they entered the apartment. Sgt. Kalicovic entered first and immediately told § 87(2)(b) to move back, "get the fuck out of the way," to be quiet and to, "Shut the fuck up." § 87(2)(b) immediately complied with the instructions.

Sgt. Kalicovic proceeded to open a closet door and the door of § 87(2)(b) bedroom. While Sgt. Kalicovic and PO Tarulli were inside of the apartment, § 87(2)(b) nephew, identified by the investigation as § 87(2)(b) entered the apartment. § 87(2)(b) was walking up the stairs towards the living room, and PO Tarulli told him to "get the fuck down the stairs." § 87(2)(b) complied with the instruction.

Sgt. Kalicovic asked where the guns were located. § 87(2)(b) and § 87(2)(b) told Sgt. Kalicovic that there were no guns in the apartment. Sgt. Kalicovic called the "dispatcher" over the radio and requested that the apartment number be provided. The "dispatcher" said, "§ 87(2)(b) § 87(2)(b) informed Sgt. Kalicovic that he was inside of § 87(2)(b). Once the officers realized that there were no guns inside of § 87(2)(b) and that they were supposed to be in § 87(2)(b) the officers left. Sgt. Kalicovic and PO Tarulli were inside of § 87(2)(b) apartment for approximately 10-15 minutes.

§ 87(2)(b) and § 87(2)(b) went downstairs, just outside of their apartment, on the sidewalk. From outside of his apartment, § 87(2)(b) observed his neighbor, § 87(2)(b) being carried from his apartment to a police car. § 87(2)(b) did not observe any injuries to § 87(2)(b).

**Victim:** § 87(2)(b)

- § 87(2)(b) is a black male who stands 5'5" tall, weighs 150 pounds, is § 87(2)(b) old, with black hair and brown eyes.
- § 87(2)(b) works for § 87(2)(b)

**CCRB Testimony:**

§ 87(2)(b) was interviewed by the CCRB on April 15, 2014 (encl. 21a-f). § 87(2)(g)

Sgt. Kalicovic was described as a white male who stood 6'4" tall, slim, in his mid-30s. PO Tarulli was described as a white male who stood 5'9" tall, weighed 180 pounds, with a slightly stocky build, in his 40s.

Upon seeing Sgt. Kalicovic and PO Tarulli enter his apartment § 87(2)(b) asked what was going on. Sgt. Kalicovic said to "shut up" and that there was a report of a gun in the apartment. Sgt. Kalicovic asked who else was in the apartment, and § 87(2)(b) reported that no one else was inside the apartment, aside from him and § 87(2)(b)

When asked if at any point while Sgt. Kalicovic and PO Tarulli were in § 87(2)(b) apartment, either of them said "get the fuck back," or anything to that effect, § 87(2)(b) said, "Yes. They were being very nasty." § 87(2)(b) said that there was a lot of cursing going on, but he did not remember many exact words.

Sgt. Kalicovic opened the doors and looked inside of all three bedrooms of the apartment. § 87(2)(b) nephew, § 87(2)(b) walked up the stairs of the apartment, and PO Tarulli told § 87(2)(b) to leave, saying, "Get the fuck down the stairs."

During the interview, § 87(2)(b) called § 87(2)(b). § 87(2)(b) reported that an officer with a gun drawn told him to leave the apartment, and he did.

After Sgt. Kalicovic and PO Tarulli left, § 87(2)(b) heard heard "banging, like they were fighting [in § 87(2)(b)] This occurred for 3-5 minutes. § 87(2)(b) did not hear any voices or conversation.

§ 87(2)(b) exited his apartment and stood directly outside of the building. § 87(2)(b) observed his neighbor, identified by the investigation as § 87(2)(b) in handcuffs being carried with his feet off the ground. PO Tarulli told § 87(2)(b) that § 87(2)(b) did not cooperate and explained that this—referring to the arrest—is what happens when you fail to cooperate.

**Victim:** § 87(2)(b)

- § 87(2)(b) is a male resident at § 87(2)(b) § 87(2)(b) and is relatives with § 87(2)(b) and § 87(2)(b)

**Telephone statement:**

§ 87(2)(b) provided a telephone statement to the CCRB on June 24, 2014 (encl. 22a). § 87(2)(b) made his way up the stairs towards the living room of § 87(2)(b) § 87(2)(b) saw a uniformed officer, identified by the investigation as Sgt. Kalicovic, pointing a gun at § 87(2)(b)

Before § 87(2)(b) could enter the living room, another male uniformed officer, identified by the investigation as PO Tarulli, told § 87(2)(b) to leave. § 87(2)(b) was confused, so he stood still momentarily. PO Tarulli told § 87(2)(b) to, "Get the fuck out of here." § 87(2)(b) exited the apartment and waited directly outside the apartment. A couple of minutes later, § 87(2)(b) observed 3-4 officers in total exit his apartment.

While waiting outside of his apartment, § 87(2)(b) did not hear any screaming or commotion coming from § 87(2)(b) § 87(2)(b) and the apartment door was

physically closed. As soon as the officers left § 87(2)(b) apartment, § 87(2)(b) entered his apartment. From inside his apartment, § 87(2)(b) could hear what he believed was officers inside of § 87(2)(b). § 87(2)(b) heard "fighting sounds" which he described as fumbling around and he said that § 87(2)(b) was screaming, "They jumped him," and "Get off him." § 87(2)(b) could not hear anything that the officers were saying.

Several attempts were made to obtain a sworn statement from § 87(2)(b). On June 24, 2014, § 87(2)(b) scheduled an interview at the CCRB on July 1, 2014. On July 1, 2014, § 87(2)(b) did not appear for his scheduled interview. On July 2, 2014, and July 3, 2014, two telephone calls were made to § 87(2)(b) but there was no answer and now way to leave a voicemail message. On July 8, 2014, a telephone call was made to § 87(2)(b) but a voice-prompt indicated that the number was not in service.

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) *is a black/Hispanic male who stands 6'0" tall, weighs 193 pounds, is § 87(2)(b) old, with black hair and dark brown eyes.*

**Arrest photograph:** (encl. 14a)

The arrest photograph depicts bruising and swelling to the left side of § 87(2)(b) face.

**Photos** (encl. 12a-d)

§ 87(2)(b) provided four photographs, labeled 1-4, to the CCRB on May 28, 2014. § 87(2)(b) reported that the photos were taken on approximately April 1, 2014. Photos 1 and 2 depict the left side of § 87(2)(b) face, and there is redness from the chin to the forehead and the left ear. Photo 3 depicts three discreet circular bruises to § 87(2)(b) left side of his back. Photo 4 depicts bruising to § 87(2)(b) left tricep and the left side of his back.

**CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on April 4, 2014 (encl. 16a-f). On March 15, 2014, at approximately 5:00PM, § 87(2)(b) was getting undressed in his bedroom at § 87(2)(b) in Staten Island. § 87(2)(b) was wearing just pants and exited his bedroom and began to walk down the hallway, towards the living room. The entrance to the apartment leads into the living room. § 87(2)(b) son, § 87(2)(b) was in the apartment, as was his step-daughter, § 87(2)(b). The apartment was quiet, and everyone was in their respective rooms. From the hallway, § 87(2)(b) saw a hand holding a gun, and then, the individual holding the gun turned into the hallway, and § 87(2)(b) noticed that it was a uniformed police officer, identified by the investigation as Sgt. Kalicovic.

Sgt. Kalicovic was described as a white male, 6'3" tall, with a slim and athletic build, in his 30s, with brown hair and was dressed in uniform. Sgt. Kalicovic pointed the gun at § 87(2)(b) and § 87(2)(b) stepped back so that his back was flush against the hallway wall and put his hands in the air. On instruction, § 87(2)(b) walked down the hallway to the entrance of the living room.

Approximately four other uniformed officers, identified by the investigation as PO Tarulli, PO Tarangelo, and PO Digangi, were in the living room. PO Tarulli, PO Tarangelo, and PO Digangi were all described as white males, and one of them, the investigation was unable to determine who, was described as having a husky build, in his late 20s or early 30s, with medium brown hair. § 87(2)(b) was not sure if PO Tarulli, PO Tarangelo, or PO Digangi had their weapons drawn.

§ 87(2)(b) called for his son, § 87(2)(b) to retrieve his cellphone so that he could call his wife, § 87(2)(b). Sgt. Kalicovic informed § 87(2)(b) that they had received a call



regarding an individual making threats with a gun. § 87(2)(b) told Sgt. Kalicovic that he clearly did not have a gun. § 87(2)(b) handed § 87(2)(b) his cellphone, and § 87(2)(b) called § 87(2)(b) and told her that police officers were in their apartment.

Sgt. Kalicovic told § 87(2)(b) to sit down. § 87(2)(b) refused and asked Sgt. Kalicovic why the officers were in his house. Sgt. Kalicovic said that he got multiple phone calls reporting that someone was threatening people with a gun. § 87(2)(b) insisted that the officers search the apartment if they were looking for a gun or someone making threats with a gun.

§ 87(2)(b) and § 87(2)(b) were in the living room, and § 87(2)(b) arrived at the apartment and stood in the living room. Approximately three more uniformed officers, identified by the investigation as PO Silva and PO Behan, also arrived in the living room. § 87(2)(b) asked what happened, and Sgt. Kalicovic explained that they got a phone call saying that someone was threatening people with guns. Sgt. Kalicovic said that he was going to search the apartment, and § 87(2)(b) gave his permission. Sgt. Kalicovic had been in the apartment for approximately 6-7 minutes before he made this statement.

Sgt. Kalicovic walked by § 87(2)(b) in the hallway and without warning punched § 87(2)(b) in the face with a closed fist and tackled § 87(2)(b) on top of a table in one motion. Immediately before § 87(2)(b) was punched, he “wasn’t doing anything.” § 87(2)(b) back was against the wall, his hands were not in fists or in a threatening position, and he was speaking with the other officers. § 87(2)(b) did not recall if Sgt. Kalicovic punched him with his right or left hand, or exactly where on his face it made contact.

§ 87(2)(b) was on the ground, stomach to the floor. He was not moving his body, and his arms were at his sides, not tucked under his body. Immediately all of the present officers began to kick and punch § 87(2)(b). § 87(2)(b) tucked his head and knees into his body to protect himself. Officers kicked and punched § 87(2)(b) head, back, sides, face, and legs. Officers told § 87(2)(b) “Bet you wish you would’ve sat down now, nigger,” and called § 87(2)(b) a “nigger-boy.” “All of the officers” made comments like this. § 87(2)(b) attempted to give the officers his hands, but they continued to kick and punch him. The officers told § 87(2)(b) to stop resisting, and he said that he was not resisting. § 87(2)(b) told the officers to take his hands and he stuck his arms behind his back. Either PO Tarangelo, PO Tarulli, or PO Digangi said, “I’m going to break your goddamn jaw,” and kneeled down next to § 87(2)(b) and punched him in his jaw. Each officer punched and or kicked § 87(2)(b) approximately 10-15 times over the course of a few minutes.

§ 87(2)(b) was still primarily on his stomach, slightly on his side, trying to give the officers his hands, and curled up slightly to protect himself from the onslaught of punches and kicks, when either PO Tarangelo, PO Tarulli, or PO Digangi placed both hands around § 87(2)(b) neck and squeezed. § 87(2)(b) could not breathe and the pressure of the choke forced § 87(2)(b) tongue out of his mouth.

§ 87(2)(b) was placed in handcuffs, but he did not know which officer did this. Sgt. Kalicovic told the officers, “Get this motherfucker out of here.” § 87(2)(b) was “half dragged and half carried” by his arms down the stairs, “like an animal.”

§ 87(2)(b) presented several photographs of bruises to his body which he said he sustained as a result of the incident (encl. 12a-d). § 87(2)(b) did not seek medical treatment, because he feared that the doctors would be biased towards the police officers. § 87(2)(b) was not seen by medical personnel at either the precinct or Central Booking, but he was treated at Riker’s Island.

§ 87(2)(b) later told § 87(2)(b) that an officer threatened to arrest her during the incident, but § 87(2)(b) did not hear this.

On October 27, 2014, § 87(2)(b) viewed a photo array which included all six officers who were determined to have responded to the scene (encl. 17a-17o). § 87(2)(b) identified Sgt.

Kalicovic and PO Tarangelo, § 87(2)(b) was unable to identify the officer who allegedly choked him.

**Witness:** § 87(2)(b)

- § 87(2)(b) *is a black male who stands 5'8" tall, weighs 130 pounds, is § 87(2)(b) old, with brown hair and brown eyes.*
- § 87(2)(b)

**CCRB Testimony:**

§ 87(2)(b) was interviewed by the CCRB at § 87(2)(b) § 87(2)(b) in Staten Island, on May 1, 2014 (encl. 19a-e). § 87(2)(b) statement was fairly consistent with § 87(2)(b) statement. Inconsistencies and additional details are noted below.

§ 87(2)(b) was in the hallway between his bedroom and the bathroom when he first noticed police officers in the apartment. Prior to the officers entering the apartment, § 87(2)(b) had not heard any knocking at the door or anyone saying anything from outside of the apartment. § 87(2)(b) sister, § 87(2)(b) ran from her bedroom to the living room when she heard the officers open the door of the apartment.

The officers, identified by the investigation as Sgt. Kalicovic, PO Tarulli, PO Tarangelo, and PO Digangi came into the apartment with their guns drawn. The officers pointed their guns “at everybody,” including at § 87(2)(b). One officer, identified by the investigation as Sgt. Kalicovic, did most of the talking. Sgt. Kalicovic was described as a white male, approximately 5’8” tall, with a medium build, in his late 20s or 30s.

While § 87(2)(b) stood in the living room of the apartment, near the hallway, he said he was going to call § 87(2)(b). § 87(2)(b) showed the officers the cellphone which he was going to use to make the call. § 87(2)(b) waved the cellphone in the air as Sgt. Kalicovic was walking behind him.

Sgt. Kalicovic took § 87(2)(b) to the ground by grabbing § 87(2)(b) hand, forcing it behind his back, and pushing him down. § 87(2)(b) was not doing anything but waving the phone in the air and saying that he was going to make a call. § 87(2)(b) was not sure if any officer said anything to § 87(2)(b) prior to Sgt. Kalicovic taking § 87(2)(b) to the ground. § 87(2)(b) did not remember Sgt. Kalicovic punching § 87(2)(b) but he said that it happened quickly and he was not sure.

Once § 87(2)(b) was on the ground all of the officers who were present surrounded § 87(2)(b). § 87(2)(b) did not try to fight back against the officers and he did not move his body. § 87(2)(b) did not know how long after § 87(2)(b) was brought to the ground it took for handcuffs to be secured. Sgt. Kalicovic punched § 87(2)(b) while he was on the ground on the head. Sgt. Kalicovic was punching § 87(2)(b) on the head before § 87(2)(b) was handcuffed and while they were handcuffing him. § 87(2)(b) did not know how many times Sgt. Kalicovic punched § 87(2)(b) in the head, because he was upset and screaming at the officers to get off of § 87(2)(b). Other officers were kicking and “stomping” § 87(2)(b) “whole body” and face.

§ 87(2)(b) arrived in the apartment when § 87(2)(b) was on the floor and in handcuffs. § 87(2)(b) asked the officers why they were in the house and what they were doing. § 87(2)(b) was not sure if any officers were kicking or punching § 87(2)(b) at the time when § 87(2)(b) arrived at the apartment.

The officers carried § 87(2)(b) down the stairs of the apartment. The whole incident lasted approximately 15-20 minutes. § 87(2)(b) did not remember if an officer ever threatened to arrest his sister or § 87(2)(b). § 87(2)(b) did not remember what the officers were saying

to § 87(2)(b) as they surrounded him. § 87(2)(b) was not sure if an officer choked § 87(2)(b).

The neighbors from the building directly next door (not § 87(2)(b) rather a separate building), one of whom is named “§ 87(2)(b)” came into the apartment towards the end of the incident.

**Victim: GOLDIE NEWMAN TROSSI**

- § 87(2)(b) is a black female who is § 87(2)(b) old with black hair.
- § 87(2)(b) works at § 87(2)(b)

**CCRB Testimony:**

§ 87(2)(b) was interviewed by the CCRB at § 87(2)(b) § 87(2)(b) in Staten Island, on May 2, 2014 (encl. 18a-f). On March 15, 2014, at approximately 5:00PM, § 87(2)(b) received a telephone call from § 87(2)(b) who reported that police officers were in their apartment and then the call abruptly ended.

§ 87(2)(b) proceeded to the apartment. When she arrived, approximately 5 uniformed police officers, identified by the investigation as Sgt. Kalicovic, PO Tarulli, PO Digangi, PO Behan, PO Tarangelo, and PO Silva were inside of the apartment. The investigation was unable to determine which officer matched each of the following descriptions which § 87(2)(b) provided: PO1 was a white male who stood approximately 6’2” tall, skinny, in his early 30s, with bald or shaved head; PO2 was a white male, 5’7” tall, with dark hair, with a “little meat on his bones” but not fat, and in his 30s; PO3 was a white male, 5’6” – 5’7” tall, chubby, in his late 30s, with dark hair; PO4 and PO5 were both white.

§ 87(2)(b) and § 87(2)(b) were walking around the apartment crying. § 87(2)(b) was in the middle of the living room floor, stomach down, wearing his work pants, no shoes and no shirt, and he was handcuffed. An officer, although § 87(2)(b) did not recall which one, was saying something to the effect of, “You ain’t so tough now, boxer dude.” PO1 kicked § 87(2)(b) on his side five or more times. PO2 punched § 87(2)(b) in the back of his head approximately 5-6 times. § 87(2)(b) did not see § 87(2)(b) move his body while he was on the floor aside from turning his head in attempts to avoid the punches coming from PO2.

§ 87(2)(b) asked why the “hell” they were hitting § 87(2)(b). Either PO2 or PO3 told § 87(2)(b) that if she did not calm down that she would also go to jail.

PO1 said, “Take his fucking ass to jail.” Approximately 7-10 minutes after § 87(2)(b) arrived in the apartment, the officers picked § 87(2)(b) up off the ground and carried him down the stairs. § 87(2)(b) saw bruising on § 87(2)(b) face. Prior to the interaction with the police, § 87(2)(b) did not have any bruising to his face. § 87(2)(b) did not hear any officer make comments based upon race.

When § 87(2)(b) was released the next day, § 87(2)(b) was able to observe other injuries which § 87(2)(b) sustained from the incident. § 87(2)(b) had scrapes on his wrists, ostensibly from the handcuffs, his eye was swollen and bruised, and there were multiple bruises on § 87(2)(b) body. As a result of the incident, a sewing machine table, plants, and a hair dryer station were broken beyond repair. § 87(2)(b) did not see how these items were broken, but she believed that § 87(2)(b) was tackled into these items.

### Attempts to Contact Civilians

Several attempts were made to obtain a statement from § 87(2)(b). A please call letter was sent to § 87(2)(b) on May 28, 2014. On June 2, 2014, a telephone call was attempted to § 87(2)(b) but a voice-prompt indicated that the number was out of service. On June 2, 2014, a final please call letter was sent to § 87(2)(b). A June 2, 2014, LexisNexis search for a telephone number associated with § 87(2)(b) yielded negative results. Both § 87(2)(b) and § 87(2)(b) said that they did not have a telephone number for § 87(2)(b) but each said that they would tell § 87(2)(b) to contact the CCRB. To date, § 87(2)(b) has not contacted the CCRB. Neither letter sent to § 87(2)(b) was returned by the United States Postal Service.

### NYPD Statements:

#### Subject Officer: SGT. BEKIM KALICOVIC

- *Sgt. Bekim Kalicovic is a white male who stands 6'3" tall, weighs 215 pounds, is § 87(2)(b) old, with brown hair and brown eyes.*
- *Sgt. Kalicovic worked in uniform from 2:50PM until 11:47PM. He was assigned as the Patrol Supervisor for the 120<sup>th</sup> Precinct, worked with PO Tarulli, and was assigned to marked RMP #4589.*

#### Event Information/Chronology & Police Radio Communications CD (encl. 41a-42l)

The dispatcher reported a gun-run at § 87(2)(b). A "1-2-O" sergeant asked if there was a description. The dispatcher said, "§ 87(2)(e), § 87(2)(f) § 87(2)(b)". Apartment § 87(2)(b) "

The dispatcher attempted to do a call-back of the female complainant, but there was no answer. The dispatcher reported to the "1-2-O" sergeant that the call-back went to voicemail.

"112 Sergeant" reported that he arrived at the scene, and the dispatcher said that 5:14PM was the time for arrival at "Apartment § 87(2)(b)". At 4:27 in the recording, "112 Sergeant" requested the address on the gun-run. The dispatcher said, "§ 87(2)(b) "

"O-Adam" reported that they arrived on scene. The dispatcher reported that the time was 5:16PM. "O-Frank" reported that they arrived on scene. The dispatcher reported that the time was 5:16PM.

"112 Sergeant" asked the dispatcher what the caller's complaint was. The dispatcher said, "Female complainant states, 'there are guns in her house,' and hung up the phone."

"120 Sergeant" reported to the dispatcher, "At this time, one male under from § 87(2)(b) § 87(2)(b) No further." The dispatcher reported that no further units were needed at § 87(2)(b) and reported that the "under time" was 5:25PM. "120 Sergeant" reported that he, Sector A, and Sector F were returning to the stationhouse.

#### Memo book: (encl. 25a-c)

Sgt. Kalicovic's memo book indicates that on March 15, 2014, at 5:12PM, there was a possible crime (firearm) inside of § 87(2)(b) § 87(2)(b). At 5:15PM, Sgt. Kalicovic arrived at the scene. At 5:25PM, § 87(2)(b) was arrested by PO Tarangelo and PO Digangi for § 87(2)(b). PO Digangi sustained an injury to his wrist.

**LOD Paperwork:** (encl. 33a)

Sgt. Kalicovic reported that PO Digangi responded to § 87(2)(b) § 87(2)(b) in regards to a 911 call regarding firearms at the location. Upon arrival, officers encountered § 87(2)(b) who became irate and violent at the sight of officers. § 87(2)(b) took a fighting stance and began screaming at the officers and a violent struggle ensued with § 87(2)(b) swinging his arms at the officers. PO Digangi was attempting to place § 87(2)(b) under arrest and § 87(2)(b) began to violently resist arrest, causing them to fall to the ground unexpectedly.

PO Digangi suffered a fractured right thumb as a result of the struggle. PO Digangi was acting within the scope of his employment within Departmental guidelines at the time of the incident. Sgt. Kalicovic recommended Line of Duty designation.

**CCRB Testimony:**

Sgt. Bekim Kalicovic was interviewed at the CCRB on July 24, 2014 (encl. 26a-e). On March 15, 2015, at approximately 5:12PM, Sgt. Kalicovic received a 10-10 firearm job over the radio at § 87(2)(b) § 87(2)(e), § 87(2)(f)

It was reported that there was commotion in the background. No apartment number was given, nor was a description of the male with a firearm provided. Sgt. Kalicovic did not remember any other information which Central provided regarding the job. A callback was attempted but it went to voicemail. Sgt. Kalicovic did not recall exactly when in the sequence of events the callback occurred.

Sgt. Kalicovic arrived at the scene with PO Tarulli and entered § 87(2)(b) § 87(2)(b) Prior to entering this apartment, Sgt. Kalicovic had not learned anything else about the job. Sgt. Kalicovic was presented the transcription of the Police Radio Communications recording. It was explained that the first communication that went over the radio stated that there was, “A gun reported inside of § 87(2)(b) § 87(2)(e), § 87(2)(f) The dispatcher then reported to Sgt. Kalicovic that the callback went to voicemail. The next communication was from Sgt. Kalicovic who reported that he had arrived at the scene.

Sgt. Kalicovic explained that he always asks over the radio if there is a person involved when a report of a gun is made, and he always asks if the person is violent. Sgt. Kalicovic believed he asked those questions in this case, and Central reported that it was a male and that he was being disorderly. Sgt. Kalicovic did not know why his questions and the response from Central did not appear on the recording. It was explained to Sgt. Kalicovic that the recording of the 911 call itself never mentioned a male, disorderly or not, and it provided an apartment number. Sgt. Kalicovic said that it was his recollection that an apartment number was not provided and that Central reported a disorderly male. Sgt. Kalicovic explained that sometimes what is said over the radio may not make it into the transcript. It was explained that the investigation had an audio recording of the radio communications and Sgt. Kalicovic said, “Alright, I believe it.”

It was pointed out that Sgt. Kalicovic’s memo book notes the location of the 10-10 as § 87(2)(b) upon receipt of the job, prior to the entry regarding arrival at the scene. Sgt. Kalicovic explained that he made the entries in his memo book after the incident, and he maintained that he did not have the apartment number when he arrived at § 87(2)(b)

Sgt. Kalicovic arrived outside of § 87(2)(b) § 87(2)(b) Sgt. Kalicovic opened the door on the ground level of the apartment. Sgt. Kalicovic had not made any observations prior to entering the apartment—he did not hear anything, including yelling, and he did not talk with anyone. Sgt. Kalicovic walked up the stairs of the apartment with his gun drawn. The door at the

top of the stairs was closed, but unlocked, and Sgt. Kalicovic opened the door. Prior to opening the second door Sgt. Kalicovic had not heard anything coming from inside the apartment.

Sgt. Kalicovic entered the living room of the apartment, and two males, identified by the investigation as § 87(2)(b) and § 87(2)(b) were present. Neither § 87(2)(b) nor § 87(2)(b) appeared to be concealing anything. § 87(2)(b) was cooking in the kitchen and § 87(2)(b) was “standing there.” Sgt. Kalicovic said that he received a call regarding a male with a firearm with commotion in the background. § 87(2)(b) and § 87(2)(b) said, “Not here,” and said that they heard a lot of screaming next door. The two males explained that they lived in § 87(2)(b) and that next door was § 87(2)(b). Sgt. Kalicovic never heard any yelling or screaming coming from next door while he was inside of § 87(2)(b).

Sgt. Kalicovic went over the radio and asked if there was an apartment number associated with the job. Central reported that “§ 87(2)(b)” was the location in question. Sgt. Kalicovic explained to the two males that for safety purposes he needed to clear the apartment—make sure that no one was hurt. Sgt. Kalicovic did not recognize § 87(2)(b) or § 87(2)(b) when he was presented their photographs. The two males said to “go right ahead, that nothing was going on.” Sgt. Kalicovic had not heard anything from inside of the apartment. Sgt. Kalicovic alone looked inside of two or three rooms, and there were negative results for people. Neither male protested to Sgt. Kalicovic searching the apartment. Sgt. Kalicovic apologized to the two males and exited the apartment. Sgt. Kalicovic was inside of § 87(2)(b) for approximately 2-3 minutes.

Sgt. Kalicovic never told either male inside of § 87(2)(b) to “get the fuck back,” nor did he hear any officer say this. Sgt. Kalicovic said that he did not remember a teenage male coming up the stairs of the location while he was inside of the apartment. Sgt. Kalicovic did not hear PO Tarulli say, “Get the fuck down the stairs.”

When Sgt. Kalicovic and PO Tarulli exited § 87(2)(b) other officers had arrived at the scene. Two sector cars were parked outside of the location. Four officers, PO Tarangelo and PO DiGangi, and PO Behan and PO Silva, were at the scene.

Almost immediately after exiting § 87(2)(b) Sgt. Kalicovic opened the ground level door to § 87(2)(b). The door was closed but unlocked. Prior to opening the door, Sgt. Kalicovic did not hear any yelling or screaming. Sgt. Kalicovic was the first officer to enter through the doorway, and he was not sure the order of officers who followed behind him. A staircase led straight up to the apartment’s living room. Lots of screaming and yelling was coming from inside the apartment. Words were likely being yelled, but Sgt. Kalicovic could not make sense of what was being said. The yelling was just one male voice.

A door at the top of the stairs was approximately halfway open. Sgt. Kalicovic yelled, “Police,” knocked on the door, and entered 3-4 feet inside of the location. PO Tarulli, PO Digangi, and PO Tarangelo also entered the location. PO Behan and PO Silva may have been there, but Sgt. Kalicovic did not have a specific memory of them being there until after § 87(2)(b) was eventually handcuffed. A teenage female, identified by the investigation as § 87(2)(b) ran into the living room of the apartment crying. Sgt. Kalicovic asked her if everything was alright. She asked him, “What are you doing in here?” Sgt. Kalicovic asked her if she was alright and she asked him, “Why are you in here?” Sgt. Kalicovic told § 87(2)(b) to sit on the couch in the living room, but she remained standing inside the living room. § 87(2)(b) never provided a direct answer as to whether she was okay and she never complained of a gun.

There was no issue in terms of gaining entry into the apartment. There was no search warrant for § 87(2)(b) and the reason for entry was exigent circumstance—the report of the gun and § 87(2)(b) behavior. The undersigned read the narrative of § 87(2)(b) arrest report in which it states that, “[§ 87(2)(b)] immediately proceeded to block officers from entering inside of [the] location by standing in a fighting stance, both hands up with closed fists, stating, ‘Fuck you, ya ain’t coming in.’” Sgt. Kalicovic said that § 87(2)(b) entered the living room of

the apartment when he and the other officers were barely inside of the location and immediately became hostile and stood in a fighting stance. Sgt. Kalicovic said that this was basically consistent with the arrest report narrative.

As Sgt. Kalicovic stood 3-4 feet inside the location, a shirtless § 87(2)(b) “charged” into the living room. § 87(2)(b) asked what the officers were doing inside the apartment. Sgt. Kalicovic told § 87(2)(b) to step back and said that he received a report of a male with a gun inside the location. § 87(2)(b) stood approximately 2 feet away from § 87(2)(b). § 87(2)(b) moved into a fighting stance (arms raised, fists clenched, and one foot in front of the other) and said, “You’re in my house. Get the fuck out.” Sgt. Kalicovic could see that § 87(2)(b) did not have a firearm and the female did not have a firearm, so Sgt. Kalicovic and the officers put their weapons in their holsters, although Sgt. Kalicovic did not see which officers had their guns drawn. Sgt. Kalicovic never pointed his gun at any of the occupants inside of § 87(2)(b) nor did he see any officer do this.

Sgt. Kalicovic told § 87(2)(b) to wait and listen, and he requested that Central repeat the job over the radio. Central repeated, “Male with firearm inside of § 87(2)(b) § 87(2)(b).” § 87(2)(b) told § 87(2)(b) to get § 87(2)(b) on the phone, because he knew “that bitch” called on him. § 87(2)(b) called § 87(2)(b) on the phone, and § 87(2)(b) took the phone from her. § 87(2)(b) said into the phone, “Bitch, I know you called on me,” and accused § 87(2)(b) of lying. Sgt. Kalicovic instructed § 87(2)(b) to get off the phone. § 87(2)(b) said, “Bitch, get over here now. I know you called.” § 87(2)(b) gave the phone back to § 87(2)(b) and reported that § 87(2)(b) was on her way to the apartment.

Sgt. Kalicovic explained to § 87(2)(b) that he needed to clear the apartment to make sure that no one was hurt, and he assured § 87(2)(b) that he was not going to look for guns. § 87(2)(b) said, “You ain’t going back there. Fuck you.” Sgt. Kalicovic explained that he needed to, and he explained the circumstances which necessitated a search of the apartment. Sgt. Kalicovic had not heard anything emanating from the rest of the apartment.

Sgt. Kalicovic began to walk towards the rear of the apartment, past § 87(2)(b). As he did this, § 87(2)(b) “went to take a swing at [Sgt. Kalicovic].” Sgt. Kalicovic did not recall which arm § 87(2)(b) used, but it was with a closed fist. Sgt. Kalicovic anticipated that § 87(2)(b) was going to take a swing at him based on his demeanor and fighting stance. Sgt. Kalicovic prevented the swing from landing by grabbing § 87(2)(b) arm.

Every officer who was present approached § 87(2)(b) and attempted to take him to the ground to handcuff him. Sgt. Kalicovic maintained a hold of § 87(2)(b) arm, pulled it behind his back, and tripped § 87(2)(b) to the ground. Sgt. Kalicovic was unable to estimate how long it was from the time that § 87(2)(b) went to take a swing to the time that § 87(2)(b) was brought to the ground. On the way to the ground, § 87(2)(b) attempted to grab a lamp or a stand for stability, and he brought it to the ground with him. Sgt. Kalicovic went to the ground with § 87(2)(b) landing on his knee. Sgt. Kalicovic did not recall in what position § 87(2)(b) fell to the ground. PO Digangi also fell down along with § 87(2)(b).

Once on the floor, it took approximately 1.5 -2 minutes to secure § 87(2)(b) in handcuffs. Sgt. Kalicovic continuously ordered § 87(2)(b) to surrender his hands, but he did not comply. § 87(2)(b) was initially on his knees. Sgt. Kalicovic and the other officers attempted to get § 87(2)(b) flat on his stomach so that they could handcuff him. § 87(2)(b) “kept pushing up” with his arms, refusing to go flat on the ground. An officer grabbed § 87(2)(b) feet and pulled them back, forcing him flat on the ground. Once flat on the ground, § 87(2)(b) would not surrender his arms. § 87(2)(b) was swinging his arms, but his motion was restricted by Sgt. Kalicovic who was holding his arm. § 87(2)(b) was kicking, and officers, although Sgt. Kalicovic did not recall who, grabbed his legs to prevent him from kicking.

Sgt. Kalicovic said he did not remember all the things which were done in order to restrain § 87(2)(b). Sgt. Kalicovic did not remember punching § 87(2)(b) and he did not see any officer punch § 87(2)(b). Sgt. Kalicovic did not kick § 87(2)(b) nor did he see any officer do this. Sgt. Kalicovic never used the n-word while dealing with § 87(2)(b) nor did he hear any officer do this. Sgt. Kalicovic never told § 87(2)(b) that he would break his jaw, nor did any officer say this. At no point did Sgt. Kalicovic make contact with § 87(2)(b) neck or restrict his breathing in any way. § 87(2)(b) never complained of being choked or of having his breathing restricted. Sgt. Kalicovic did not see any officer place their hands around § 87(2)(b) neck.

Once secured in handcuffs, § 87(2)(b) moved his arms back, and attempted to kick and head butt Sgt. Kalicovic. § 87(2)(b) kicked Sgt. Kalicovic—Sgt. Kalicovic believed he was kicked on the leg, but he did not recall. Sgt. Kalicovic did not sustain any injuries from being kicked. Sgt. Kalicovic did not remember if § 87(2)(b) head-butted him. Sgt. Kalicovic walked to the rear of the apartment. A young boy, identified by the investigation as § 87(2)(b) was in one of the back rooms crying. Sgt. Kalicovic asked § 87(2)(b) if everything was alright and he said yes. Sgt. Kalicovic cleared the rooms, by which he looked for people—Sgt. Kalicovic did not look for a gun.

As § 87(2)(b) was being escorted out of the room § 87(2)(b) entered the apartment and asked what was happening. Sgt. Kalicovic explained what happened, and asked § 87(2)(b) to step to the side so that he could take § 87(2)(b) to the 120<sup>th</sup> Precinct stationhouse; § 87(2)(b) complied with the instruction. § 87(2)(b) yelled at § 87(2)(b) “Bitch, I know you called.” § 87(2)(b) was upset and said that she did not call the police. Sgt. Kalicovic never observed anything for which § 87(2)(b) could have been arrested. Sgt. Kalicovic never threatened to arrest § 87(2)(b) nor did he hear any officer do this.

There was no delay from the time that § 87(2)(b) was handcuffed to the time that he was escorted out of the apartment. Sgt. Kalicovic did not say, “Take his fucking ass to jail,” nor did he hear any officer say this. Sgt. Kalicovic did not say, “Get this motherfucker out of here,” nor did he hear any officer say this. Because § 87(2)(b) was kicking and headbutting, § 87(2)(b) was carried out of the apartment—Sgt. Kalicovic held § 87(2)(b) under his armpits, and PO Digangi held § 87(2)(b) by his legs. While carrying § 87(2)(b), § 87(2)(b) tried to head-butt Sgt. Kalicovic.

§ 87(2)(b) would not sit inside of the RMP on his own. PO Digangi went to one side of the RMP (pushing § 87(2)(b) and Sgt. Kalicovic was on the other (pulling § 87(2)(b) and they forced § 87(2)(b) into the RMP. Sgt. Kalicovic might have told § 87(2)(b) to sit down, but he did not curse at him. Sgt. Kalicovic did not hear any officer say, “Sit the fuck down.” § 87(2)(b) was taken to the 120<sup>th</sup> Precinct stationhouse.

When Sgt. Kalicovic first observed § 87(2)(b) he did not observe any injuries to him. At the 120<sup>th</sup> Precinct stationhouse, Sgt. Kalicovic noticed swelling to § 87(2)(b) face. Sgt. Kalicovic did not remember to which side of the face he observed swelling. § 87(2)(b) was “banging his head” while resisting arrest, although Sgt. Kalicovic did not remember § 87(2)(b) face making physical contact with anything inside of § 87(2)(b). § 87(2)(b) was “banging his head” inside the RMP, which could have led to the swelling. Sgt. Kalicovic was presented the arrest photograph of § 87(2)(b) and he confirmed that the swelling depicted therein was consistent with his memory. Sgt. Kalicovic did not know what caused the swelling.

Sgt. Kalicovic was presented the photographs which § 87(2)(b) presented to the CCRB. Sgt. Kalicovic did not recall seeing the injuries depicted therein. Sgt. Kalicovic did not observe anything which could have led to injuries like the ones depicted in the photos § 87(2)(b) provided.



Sgt. Kalicovic believed that PO Digangi broke his wrist as a result of the incident. Sgt. Kalicovic believed PO Digangi sustained the injury in an attempt to take § 87(2)(b) to the ground, but Sgt. Kalicovic did not remember a specific incident which looked like it could have led to a broken wrist. No officer aside from PO Digangi was injured as a result of the incident.

A gun was never recovered in regards to the incident. Sgt. Kalicovic said that “quite often” gun-runs are “fake” and are designed to get officers to respond to a location. Aside from asking § 87(2)(b) if there was a gun at the location, Sgt. Kalicovic did not do any investigation into the reported gun. Sgt. Kalicovic never learned who made the 911 call.

Sgt. Kalicovic was presented the video of the incident. At 19 seconds, Sgt. Kalicovic confirmed that PO Tarulli was apologizing, likely for having entered § 87(2)(b). Sgt. Kalicovic heard, “Sit the fuck down,” but he did not recognize the voice which said it, and he did not recognize it as his own voice.

**Subject Officer: PO MICHAEL TARULLI**

- *PO Michael Tarulli is a white male who stands 5’11” tall, weighs 260 pounds, with brown hair and brown eyes.*
- *On March 15, 2014, PO Tarulli worked in uniform from 3:00PM until 11:35PM. PO Tarulli was assigned to the 120<sup>th</sup> Precinct as Sgt. Kalicovic’s operator and to marked RMP #4589.*

**Memo book:** (encl. 35a-b)

PO Tarulli does not have any memo book entries regarding this incident.

**CCRB Testimony:**

PO Michael Tarulli was interviewed at the CCRB on July 10, 2014 (encl. 36a-e). § 87(2)(g)

PO Tarulli initially did not know what the incident referred to, but after reviewing the Event Information, hearing that PO Tarangelo made an arrest in regards to the incident, and seeing § 87(2)(b) photo, PO Tarulli said he remembered the incident.

On March 15, 2014, at approximately 5:00PM, PO Tarulli received a call while he was operating an RMP with Sgt. Kalicovic regarding a gun at § 87(2)(b). § 87(2)(b) PO Tarulli believed that the dispatcher said that there was both a gun at the location and an individual with a gun at the location, but he was not sure. The dispatcher indicated that the suspect was a dark-skinned male who was well-built. PO Tarulli did not recall what other information the dispatcher provided.

The undersigned pointed out that the Communications recording (and Event Information) indicate that there was no suspect, and no description of a suspect. PO Tarulli said that “at some point, someone knew who was in that apartment,” but PO Tarulli did not know who knew who was in the apartment. PO Tarulli said, “Someone (an officer) mentioned outside that the boxer lives there,” before PO Tarulli entered the apartment.

Upon arriving at the scene, PO Tarulli stopped and listened outside of § 87(2)(b) to what was going on for a few seconds prior to entering the apartment. PO Tarulli heard yelling and arguing coming from the second story of § 87(2)(b). One voice was deep and sounded male, and the other voice was “mousy” and sounded female. It also sounded like “stuff was breaking...like you pushed everything from a counter and everything fell to the ground.”

Prior to entering the apartment, a callback had been made to the reporter of the guns. PO Tarulli did not recall what information was learned from the callback. The undersigned explained that the Communications recording (and Event Information) indicated that a callback was attempted but the reporter did not answer the call.

PO Tarulli was presented a GoogleMaps image of § 87(2)(b) (encl. 12e). The undersigned pointed out apartments § 87(2)(b) and § 87(2)(b) respectively. PO Tarulli said that prior to entering § 87(2)(b) he had not entered any other apartment, nor did he recall entering more than one apartment. PO Tarulli did not know if any other officer entered another apartment, but “It would be a good idea to check that door first before going in to make sure...” The undersigned asked which door. PO Tarulli said, “I really don’t remember going into another apartment. Again, you have to remember or understand that as the sergeant’s driver, he’s basically my partner. I really don’t know what happened in that other apartment. We were in this guy’s (§ 87(2)(b)) apartment.” PO Turulli did not recall if he was made aware if any other officers entered an apartment prior to entering § 87(2)(b). PO Tarulli was presented photographs of § 87(2)(b) and § 87(2)(b) but he did not recognize either individual.

There was no issue in gaining entry into the living room of the apartment. PO Tarulli did not recall § 87(2)(b) attempting to block officers from entering the living room. § 87(2)(b) was arguing with § 87(2)(b) on the phone. PO Tarulli later said that he never said that § 87(2)(b) was on the phone, and that he never observed § 87(2)(b) holding a cellphone or making a call.

When asked at what point it was decided that § 87(2)(b) was going to be handcuffed, PO Tarulli said, “Probably before we went in there.” It was not PO Turulli’s decision to handcuff § 87(2)(b). § 87(2)(b) was handcuffed because there was a possibility that he had a gun. The possibility that § 87(2)(b) had a gun was based on the call they received. There was no other investigation done prior to handcuffing § 87(2)(b) which led PO Tarulli to believe that § 87(2)(b) had a gun.

A police officer, PO Tarulli did not know who, ordered § 87(2)(b) to show his hands. § 87(2)(b) did not comply with the instruction. When asked what he did, PO Tarulli said, “Nothing really. He just didn’t want to cooperate. He didn’t want to give us his hands, and I remember it took like four of us to hold him down to handcuff him.”

PO Turulli did not know who initiated the handcuffing of § 87(2)(b). PO Tarulli, Sgt. Kalicovic, and other officers, PO Tarulli did not know which officers, assisted in handcuffing § 87(2)(b). PO Turulli said, “All of us” took § 87(2)(b) to the ground. When asked why § 87(2)(b) was taken to the ground, as opposed to handcuffing him standing up, PO Turulli said that § 87(2)(b) was uncooperative—§ 87(2)(b) kept backing up when he was ordered to show his hands (once or twice) and that “he took a swing at” Sgt. Kalicovic. PO Turulli then said that it looked like § 87(2)(b) was about to “take a swing” at Sgt. Kalicovic; § 87(2)(b) stood in a “battle stance,” his hands were balled up in front of him. PO Turulli did not remember if § 87(2)(b) threw a punch. Prior to the officers trying to arrest § 87(2)(b), § 87(2)(b) had not pushed Sgt. Kalicovic. PO Tarulli did not see § 87(2)(b) “swing his hands” at any officers.

§ 87(2)(b) “went nuts” by flailing his arms and body. § 87(2)(b) and the officers “all went down together.” § 87(2)(b) fell on top of PO Tarulli, and both knocked into a sewing machine table. Once on the ground, PO Turulli held § 87(2)(b) legs, and § 87(2)(b) was handcuffed within a few seconds. During the apprehension, PO Turulli did not throw any punches, nor did he see any officer throw punches. PO Turulli did not kick § 87(2)(b) nor did he see any officer kick § 87(2)(b). PO Turulli did not make contact with § 87(2)(b) neck or choke § 87(2)(b) nor did he observe any officer do either of these things. § 87(2)(b) never complained of being choked or of being beaten up.

PO Turulli did not recall any other civilians being present in the living room during the incident, including § 87(2)(b) or § 87(2)(b). Upon exiting the apartment, PO Turulli did not recall having any conversation with any neighbors. PO Tarulli was not sure for what § 87(2)(b) was arrested. PO Tarulli did not remember who transported § 87(2)(b) to the 120<sup>th</sup> Precinct stationhouse, but it was not him or Sgt. Kalicovic. PO Tarulli did not see § 87(2)(b) at the 120<sup>th</sup> Precinct stationhouse.

PO Turulli did not recall observing any injuries to § 87(2)(b) when he first observed him. At no point during the interaction did PO Turulli observe any injuries to § 87(2)(b). PO Turulli was presented the arrest photographs and the photographs which § 87(2)(b) provided of his alleged injuries, as well as the command log entry which notes bruising to § 87(2)(b) face, but PO Turulli denied observing the injuries and reported that he did not observe anything, aside from falling against the table, which could have led to the injuries depicted and described.

At no point did PO Turulli tell § 87(2)(b) that he was going to “break his goddamn jaw,” nor did he hear any officer say this. PO Turulli did not call § 87(2)(b) a “nigger” or say, “Get this motherfucker out of here,” nor did he hear any officer say either of these things. PO Turulli did not say, “Take his fucking ass to jail,” nor did he hear any officer say this. PO Turulli did not use any profanity throughout the incident, nor did he hear any officer use profanity.

PO Turulli was presented the video of the incident. Other than “getting loud,” PO Turulli did not remember observing anything for which § 87(2)(b) could have been arrested. PO Turulli said it was possible that § 87(2)(b) was loud enough to the point of an arrestable offense, but he did not recall. PO Turulli did not threaten to arrest § 87(2)(b) nor did he hear any officer do this.

As the recording played, PO Tarulli said, “I stood 5 feet away from their apartment the whole time.” The undersigned explained that PO Tarulli can be heard on the recording apologizing to § 87(2)(b) and § 87(2)(b) saying that they were just doing their job, but PO Turulli did not recall to what the apology referenced. PO Tarulli did not recall § 87(2)(b) or § 87(2)(b) complaining to him that he had entered their apartment.

The undersigned played the video until 47 seconds into the recording when a voice is heard saying, “Sit the fuck down.” PO Tarulli acknowledged hearing that in the recording but he did not recognize the voice.

**Subject Officer: PO MICHAEL TARANGELO**

- *PO Tarangelo is a white male who stands 5’11” tall, weighs 200 pounds, is § 87(2)(b) old, with black hair and brown eyes.*
- *On March 15, 2014, PO Tarangelo worked in uniform with PO DiGangi from 3:00PM until 11:35PM. PO Tarangelo was assigned to 120<sup>th</sup> Precinct Sector A & B and to marked RMP 4114.*

**Memo book:** (encl. 27a-d)

PO Tarangelo’s memo book indicates that at 5:10PM, “firearm at § 87(2)(b).” At 5:25PM, “One under Sgt. Kalicoviv on scene – trum/back to 120.” At 5:30PM, PO Tarangelo arrived at the 120<sup>th</sup> Precinct stationhouse and was “out of auto.” At 5:40PM, lodged in APO. At 7:20PM, “61 #§ 87(2)(b)

At 7:30PM, “§ 87(2)(b), § 87(2)(b). At T/P/O officers responded to 1010 firearm at location. Upon arrival, perp did approach responding officers and immediately proceed to block officers from entering inside of location by standing in a fighting stance, both hands up with closed fists, stating, “Fuck you, you ain’t coming in.” Perp was told to stand down mult. Times but instead became more hostile swinging his hands at officers to conduct a safety search of premise for poss. AIDEDs and victims. Upon further invest. It was determined perp has 2 open warrants. Docket #§ 87(2)(b) and § 87(2)(b)

**Arrest report & Criminal Complaint Report:** (encl. 28a-29b)

The arrest report indicates that on March 15, 2014, at 5:25PM, inside of § 87(2)(b) § 87(2)(b) in Staten Island, “§ 87(2)(a) 160.50

§ 87(2)(a) 160.50

.” The UF61 has the exact same narrative as the arrest report. The UF61 does not list any information for a victim.

§ 87(2)(b) top charge is § 87(2)(a) 160.50

As per the arrest report, § 87(2)(b) said, “Fuck you, you ain’t coming in.”

**LOD Witness Statement:** (encl. 30a)

On March 15, 2014, PO Tarangelo provided a statement regarding the injury of PO Digangi. PO Tarangelo reported that, “At the time and place of occurrence we responded to a 911 call of a 1010 firearm. We were approached by a shirtless male who was acting irate and hostile. We asked the male to stand down so we could perform a safety search of location for victims and or AIDEDs. Male stood in a fighting stance with his hands up in closed fists. Male began swinging his hands at the officers. We attempted to bring the male into custody and fell on the ground in an attempt to stop the aggressive male. Officer Digangi and I fell to the ground while attempting to place male in custody and I noticed Officer Digangi grabbing his right hand in obvious pain.”

**CCRB Testimony:**

PO Michael Tarangelo was interviewed at the CCRB on June 19, 2014 (encl. 31a-e). § 87(2)(g)

PO Tarangelo responded to a gun run at § 87(2)(b) § 87(2)(b) with PO Digangi. The door on the street level of the apartment was physically open, and PO Tarangelo could hear people yelling from upstairs. It sounded as if two people were yelling, but PO Tarangelo could not remember if it was male or female voices. PO Tarangelo did not remember what was being yelled.

Approximately one minute after arriving at the scene, PO Tarangelo approached the door of the apartment. The officers knocked and announced their presence at the location—PO Tarangelo did not recall which officer did either of these things. There was no response. PO Tarangelo did not recall how long he waited for a response, but adequate time was given, and no response was made. The yelling from the apartment proceeded.

PO Tarangelo, PO DiGangi, Sgt. Kalicoviv, and PO Tarulli went into the stairwell of the apartment and proceeded up the stairs. PO Tarangelo then said that after announcing their presence, § 87(2)(b) entered the living room. § 87(2)(b) was not wearing a shirt. § 87(2)(b) cursed at the officers, blocked them from entering the apartment, and stood in a combative stance (both fists raised in a “fighting stance”).

When § 87(2)(b) took the “combative stance,” he was ordered to stand down, but PO Tarangelo did not recall who made this command. Up until this point, PO Tarangelo had not seen anyone with a gun, nor had he seen any weapon. The yelling which PO Tarangelo had previously heard had subsided as soon as § 87(2)(b) entered the living room. PO Tarangelo could not hear anyone or anything else inside the apartment, aside from § 87(2)(b) PO Tarangelo did not recall observing any sign of a struggle.

After being ordered to stand down, § 87(2)(b) hands remained up and he cursed at the officers. § 87(2)(b) was again ordered to stand down, but § 87(2)(b) did not comply. PO Tarangelo did not recall § 87(2)(b) ever making a call on a cellphone. § 87(2)(b) “got in the

sergeant's face" and pushed Sgt. Kalicovic—this was the first physical contact made between § 87(2)(b) and any police officer, and it was at this point that the decision was made to place § 87(2)(b) under arrest. With two hands, § 87(2)(b) pushed Sgt. Kalicovic, but PO Tarangelo did not recall where on Sgt. Kalicovic's body § 87(2)(b) made contact. The push caused Sgt. Kalicovic to move backwards (PO Tarangelo did not recall how far), but he did not fall down. Sgt. Kalicovic was only talking to § 87(2)(b) at the point when § 87(2)(b) pushed him; Sgt. Kalicovic was not moving towards the back room of the apartment. PO Tarangelo then said, "I don't recall what moves were made there. We were in a small space." No officers were moving towards § 87(2)(b) when he pushed Sgt. Kalicovic.

Sgt. Kalicovic, PO Tarangelo, PO DiGangi, and PO Tarulli grabbed § 87(2)(b) by the arms and took him to the ground. PO Tarangelo did not know of anything which § 87(2)(b) hit on the way to the ground. § 87(2)(b) stomach first made contact with the ground. PO Tarangelo was by § 87(2)(b) shoulder. Once on the ground, § 87(2)(b) was "rolling around, pulling his arm away, and kicking his legs." PO Tarangelo did not see how PO DiGangi broke his wrist, and he was not later informed of how it happened.

From the time that § 87(2)(b) was brought to the ground, it took approximately 1-2 minutes to place § 87(2)(b) in handcuffs. PO Tarangelo did not recall which officer secured the handcuffs. In order to overcome § 87(2)(b) resistance and place him in handcuffs, PO Tarangelo was attempting to hold one of § 87(2)(b) arms. PO Tarangelo did not do anything else to overcome § 87(2)(b) resistance.

PO Tarangelo did not know what any other officer did in order to overcome § 87(2)(b) resistance. PO Tarangelo never punched or kicked § 87(2)(b) nor did he see any officer do either of these things. PO Tarangelo never used the word "nigger" towards § 87(2)(b) nor did he hear any officer say this. PO Tarangelo did not say, "I'm going to break your goddamn jaw," nor did he hear any officer say this. PO Tarangelo did not see any officer make contact with § 87(2)(b) neck, choke § 87(2)(b) or otherwise restrict § 87(2)(b) breathing; PO Tarangelo did not do any of these things. § 87(2)(b) never complained of having his breathing restricted. PO Tarangelo did not say, "Get this motherfucker out of here," or, "Take his fucking ass to jail," nor did he hear any officer say this. PO Tarangelo did not hear any officer, himself included, use any vulgarity or make any racial comments.

PO Tarangelo did not recall § 87(2)(b) being at the scene. PO Tarangelo did not threaten to arrest § 87(2)(b) nor did he hear any officer do this. PO Tarangelo did not observe § 87(2)(b) do anything for which she could have been arrested.

When PO Tarangelo first observed § 87(2)(b) he did not observe any injuries to § 87(2)(b). PO Tarangelo said that at no point did he observe any injuries to § 87(2)(b). PO Tarangelo did the arrest processing for § 87(2)(b). The undersigned pointed out that in the command log it noted that § 87(2)(b) had bruising to his face. PO Tarangelo said that "later on in the arrest processing," although he did not remember when, he noticed bruising to § 87(2)(b) face. PO Tarangelo did not ask § 87(2)(b) how he sustained the bruising, nor did § 87(2)(b) make any statements regarding how he sustained the bruises. PO Tarangelo did not observe anything which could have led to bruising to § 87(2)(b) face. PO Tarangelo did not know if § 87(2)(b) face made contact with the ground when he was brought to the ground. When asked if PO Tarangelo observed anything else which could have led to bruising to § 87(2)(b) face, PO Tarangelo said, "I don't know." PO Tarangelo was presented the arrest photograph of § 87(2)(b) and PO Tarangelo said that the injuries therein depicted were consistent with what he remembered.

The undersigned presented the photographs which § 87(2)(b) provided the CCRB on May 28, 2014. PO Tarangelo never observed bruising to § 87(2)(b) side, arms, or back nor did he observe anything which could have led to bruising to § 87(2)(b) side, arms, or back.

**Subject Officer: PO RICHARD DIGANGI**

- *PO Digangi is a white male who stands 5'7" tall, weighs 175 pounds, is § 87(2)(b) old, with brown hair and hazel eyes.*
- *On March 15, 2014, PO Digangi worked in uniform from 3:00PM until 11:35PM. PO Digangi was assigned to 120<sup>th</sup> Precinct Sector A/B, worked with PO Tarangelo, and was assigned to marked RMP #4131.*

**Memo book:** (encl. 32a-d)

PO Digangi's memo book indicates that on March 15, 2014, at 5:10PM, there was a report of a firearm at § 87(2)(b). At 5:25PM, § 87(2)(b) was arrested by PO Tarangelo. PO Digangi injured his right hand while trying to gain compliance and arrest § 87(2)(b).

**LOD Paperwork:** (encl. 33a)

PO Digangi reported that he was confronted by a hostile man who was agitated and showed an aggressive posture. The male began to throw several punches at PO Digangi and other officers. While attempting to place the male into custody, PO Digangi and § 87(2)(b) fell. PO Digangi landed on his right hand, and after placing the male into custody, PO Digangi felt severe pain in his thumb and wrist area.

**CCRB Testimony:**

PO Richard Digangi was interviewed by the CCRB on July 23, 2014 (encl. 34a-d). § 87(2)(g)

PO Digangi heard screaming and yelling coming from an open door (physically ajar) to § 87(2)(b). A male and a female voice were involved in the yelling, but PO Digangi did not remember how many voices he heard or what they were saying.

Approximately five seconds after arriving on the scene, PO Digangi entered the street level door of § 87(2)(b). The apartment was entered because of the 911 call regarding the gun and because he heard yelling and screaming coming from the apartment. There were no other factors which led PO Digangi to enter the apartment. Sgt. Kalicovic was the first officer to enter.

§ 87(2)(b) screamed and cursed, requesting that the officers leave his house. § 87(2)(b) stood in the back right of the living room, near the hallway which leads to the back bedrooms. A female, identified by the investigation as § 87(2)(b) was in the living room, but PO Digangi did not know who she was. No one spoke with § 87(2)(b). PO Digangi could not hear anything from any of the other rooms of the apartment.

§ 87(2)(b) stood with his hands clenched into fists, and his body bladed towards Sgt. Kalicovic. Sgt. Kalicovic attempted to walk past § 87(2)(b) towards the back bedrooms, and § 87(2)(b) "attacked the sergeant." § 87(2)(b) pushed Sgt. Kalicovic against the wall and grabbed him. PO Digangi did not recall if § 87(2)(b) used one hand or two hands to push Sgt. Kalicovic. While facing Sgt. Kalicovic, § 87(2)(b) grabbed Sgt. Kalicovic's upper body, but PO Digangi was not sure exactly where.

PO Digangi and the other officers ran over to apprehend § 87(2)(b). § 87(2)(b) went to the ground within a couple of seconds after grabbing Sgt. Kalicovic. PO Digangi did not know how § 87(2)(b) came to be on the ground—if he fell or if he was taken to the ground. PO Digangi did not recall where on § 87(2)(b) body he touched prior to § 87(2)(b) going to the ground. PO Digangi fell to the ground along with § 87(2)(b). PO Digangi was not sure which other officers fell to the ground. PO Digangi did not know if § 87(2)(b) made contact with anything on his way to the ground.

§ 87(2)(b) was throwing punches and kicking while he stood and after he went to the ground, but PO Digangi did not recall if § 87(2)(b) ever landed a punch. PO Digangi was never punched by § 87(2)(b). It took approximately 1-2 minutes from the time that § 87(2)(b) went to the ground to secure him in handcuffs. In an attempt to handcuff § 87(2)(b) PO Digangi grabbed one of § 87(2)(b) arms and assisted in trying to grab the other one—PO Digangi did not do anything else to secure § 87(2)(b) in handcuffs. Aside from seeing officers grab § 87(2)(b) arms, PO Digangi did not see them do anything else to overcome § 87(2)(b) resistance.

PO Digangi never punched § 87(2)(b) nor did he see any officer do this. PO Digangi did not see Sgt. Kalicovic punch § 87(2)(b) in the face while § 87(2)(b) was standing. PO Digangi did not kick § 87(2)(b) nor did he see any officer do this.

PO Digangi did not observe a civilian, aside from § 87(2)(b) do anything for which they could have been arrested. PO Digangi did not hear an officer tell a civilian, aside from § 87(2)(b) that they would be arrested. PO Digangi did not say this.

PO Digangi did not say, “Bet you wish you would’ve sat down now, nigger,” nor did he hear any officer say this. PO Digangi did not say, nor did he hear any officer say, any offensive language during the incident. PO Digangi did not say, “I’m going to break your god damn jaw,” nor did he hear any officer say this. PO Digangi never placed his hand on § 87(2)(b) neck, nor did he observe any officer do this. PO Digangi did not choke § 87(2)(b) nor did he observe any officer do this. § 87(2)(b) never complained of being choked or of having his breathing restricted in any way.

PO Digangi did not say, “Get this motherfucker out of here,” nor did any officer say this. No officer, including PO Digangi, referred to § 87(2)(b) as a “motherfucker.”

When PO Digangi got into the RMP to transport § 87(2)(b) to the stationhouse, he noticed pain to his right hand. § 87(2)(b) was transported to the stationhouse. PO Digangi went to the hospital in regards to the pain in his hand. PO Digangi elected to not sign a HIPAA form to give the investigation access to his medical records. PO Digangi injured his right hand as a result of the struggle to apprehend § 87(2)(b) but he did not know what specifically caused the injury.

When PO Digangi first observed § 87(2)(b) he did not observe any injuries. At no point did PO Digangi observe injuries to § 87(2)(b). PO Digangi was presented the arrest photograph of § 87(2)(b) in which bruising is visible on § 87(2)(b) face. PO Digangi never observed bruising to § 87(2)(b) face. PO Digangi did not observe anything which could have led to bruising to § 87(2)(b) face. § 87(2)(b) never complained of an injury.

PO Digangi was presented photographs which § 87(2)(b) provided to the investigation which depict bruising to § 87(2)(b) face, arms, side, and back. PO Digangi never observed these injuries, and he never observed anything which could have led to these injuries.

PO Digangi was presented the video of the incident. PO Digangi did not recognize the voice of the person who said, “Sit the fuck down.”

**Subject Officer: PO BRIAN BEHAN**

- *PO Behan is a white male who stands 5’11” tall, weighs 195 pounds, is § 87(2)(b) old, with blonde hair and blue eyes.*
- *On March 15, 2014, PO Behan worked in uniform from 3:00PM until 11:35PM. PO Behan was assigned to 120<sup>th</sup> Precinct Sector F, G, and H, worked with PO Silva, and was assigned to a marked RMP.*

**Memo book:** (encl. 37a-d)

PO Behan’s memo book indicates that on March 15, 2014, at 5:12PM, there was a 10-10 (possible crime) at § 87(2)(b). At 5:16PM, PO Behan arrived at the scene. At 5:28PM, one

individual was placed under arrest by [120<sup>th</sup> Precinct] Sector A. At 5:32PM, PO Behan resumed patrol.

**CCRB Testimony:**

PO Behan was interviewed at the CCRB on August 18, 2014 (encl. 38a-c). § 87(2)(g)

PO Behan arrived at the scene with PO Silva, PO Tarulli, Sgt. Kalicovic, PO Tarangelo, and PO DiGangi were already at the scene, inside of § 87(2)(b) apartment. When PO Behan entered, § 87(2)(b) was in the living room, approximately 10 feet away from the entrance of the apartment. § 87(2)(b) was flailing his arms. Aside from flailing his arms, PO Behan did not recall what § 87(2)(b) was doing.

Approximately five minutes after arriving at the apartment, § 87(2)(b) put his hands up in a position like he was going to punch somebody. § 87(2)(b) put both hands up, although PO Behan did not recall if § 87(2)(b) had open fists or closed fists. PO Behan did not recall § 87(2)(b) “cocking” his arm back or “taking a swing” at an officer. PO Behan did not recall which officer § 87(2)(b) put his hands in the face of. § 87(2)(b) did not make physical contact with an officer prior to his arrest. Immediately prior to taking this position, § 87(2)(b) was flailing his arms and refusing to calm down as the officers were requesting.

Upon § 87(2)(b) putting his hands in the face of an officer, officers grabbed § 87(2)(b) by the arms and placed him in handcuffs. PO Behan did not recall any struggle to place § 87(2)(b) in handcuffs. When asked if § 87(2)(b) was handcuffed standing up or if he was taken to the ground, PO Behan said that § 87(2)(b) fell to the ground. PO Behan was not sure how § 87(2)(b) fell to the ground, although no officer fell down with him, and § 87(2)(b) fell on his own. When § 87(2)(b) fell, he fell on his knees; no other body part made contact with the ground, and § 87(2)(b) did not make contact with anything on the way to the ground.

As soon as § 87(2)(b) was on his knees, he was immediately placed in handcuffs—PO Behan did not recall which officers placed § 87(2)(b) in handcuffs. PO Behan did not participate in handcuffing § 87(2)(b). § 87(2)(b) resisted being placed in handcuffs by kicking and moving his arms around, as well as holding his arms together. PO Behan was not sure if § 87(2)(b) made contact with anyone when he kicked. Although § 87(2)(b) resisted, PO Behan reiterated that there was no delay in handcuffing § 87(2)(b). To overcome the resistance, officers grabbed § 87(2)(b) arms and placed them behind his back. Aside from doing this, nothing else was done to overcome § 87(2)(b) resistance.

PO Behan never made physical contact with § 87(2)(b) nor did he speak with § 87(2)(b). PO Behan did not kick § 87(2)(b) nor did he observe any officer do this. PO Behan did not punch § 87(2)(b) nor did he observe any officer do this. PO Behan did not say, “Take his fucking ass to jail,” nor did he hear any officer say this. PO Behan did not use the “n-word” toward § 87(2)(b) nor did he hear any officer do this. PO Behan did not say, “I’m going to break your goddamn jaw,” nor did he hear any officer say this. PO Behan never made contact with § 87(2)(b) neck or choked him, nor did he observe any officer do this. § 87(2)(b) never complained of being choked. PO Behan did not say, “Get this motherfucker out of here,” nor did he hear any officer say this. PO Behan never threatened to arrest a female in the apartment, nor did he hear any officer do this.

At no point did PO Behan observe any injuries to § 87(2)(b). PO Behan was presented § 87(2)(b) arrest photograph. PO Behan did not observe the injuries depicted therein, nor did he observe anything which could have led to § 87(2)(b) to sustain bruising to his face. § 87(2)(b) never complained of being “beat up” or of sustaining injuries. PO Behan was presented the



photographs which § 87(2)(b) provided. PO Behan never observed any of the injuries depicted therein, nor did he observe anything which could have led to such injuries.

PO Behan was played the video of the incident. PO Behan agreed that a voice may be heard which says, “Sit the fuck down,” but he did not recognize the voice.

**Witness: JOSEPH SILVA**

- *Joseph Silva was a member of the NYPD during the incident. He has since left the department. Mr. Silva was on duty and responded to the incident.*

**Memo book:** (encl. 23a-b)

Mr. Silva’s memo book indicates that on March 15, 2014, at 5:12PM, there was a ’10-10’ firearm at § 87(2)(b) in Staten Island. At 5:16PM, Mr. Silva arrived at the scene with 120<sup>th</sup> Precinct Sector A and 120<sup>th</sup> Precinct Sergeant. At 5:28PM, § 87(2)(b) was placed under arrest in regards to the 10-10 firearm by 120<sup>th</sup> Precinct Sector A.

**CCRB Testimony:**

Joseph Silva was interviewed at the CCRB on August 28, 2014 (encl. 24a-e). § 87(2)(g)

When Mr. Silva arrived, two other RMPs were already on the scene. Mr. Silva and PO Behan proceeded up the stairs and near the living room of the apartment. While standing approximately one foot away from Sgt. Kalicovic, § 87(2)(b) put one or both of his arms up—Mr. Silva did not recall how many. Mr. Silva did not recall if § 87(2)(b) made a fist or not.

When § 87(2)(b) put his hand or hands up, Sgt. Kalicovic responded “not violently.” To prevent § 87(2)(b) from swinging or hurting him, Sgt. Kalicovic placed § 87(2)(b) under arrest. Mr. Silva did not know for what § 87(2)(b) was being arrested. Mr. Silva said that § 87(2)(b) could have been arrested for disorderly conduct, and he also put his hand or hands up in a manner which led Mr. Silva to believe § 87(2)(b) was going to hit Sgt. Kalicovic. Mr. Silva did not recall if § 87(2)(b) ever took a swing at an officer. Mr. Silva did not recall if § 87(2)(b) ever made physical contact with an officer prior to him being placed under arrest. Mr. Silva did not recall what specifically Sgt. Kalicovic did to try to place § 87(2)(b) in handcuffs. § 87(2)(b) yelled and flailed his arms to prevent Sgt. Kalicovic from placing him in handcuffs.

Sgt. Kalicovic and § 87(2)(b) fell to the floor. Mr. Silva did not know what caused them to fall, and he did not recall if any other officer fell to the ground or went to the ground with Sgt. Kalicovic and § 87(2)(b). Mr. Silva did not recall if § 87(2)(b) made contact with anything on his way to the ground. Mr. Silva did not recall how long Sgt. Kalicovic had been attempting to place § 87(2)(b) in handcuffs before they fell to the ground.

Once on the ground, § 87(2)(b) continued to resist arrest by tucking his arms, swinging his arms, and yelling. Mr. Silva did not recall what position § 87(2)(b) was in while he was on the ground. Mr. Silva did not recall how long it took to place § 87(2)(b) in handcuffs once he was on the ground. Mr. Silva assisted in handcuffing § 87(2)(b) by grabbing one of § 87(2)(b) arms which was flailing; Mr. Silva did not do anything else to assist in handcuffing § 87(2)(b). Mr. Silva did not recall what any other officer did in terms of attempting to place § 87(2)(b) in handcuffs.

Mr. Silva did not recall if any civilian, aside from § 87(2)(b) did anything for which they could have been arrested. Mr. Silva never threatened to arrest any civilian, nor did he hear any officer do this. Mr. Silva did not use the n-word toward § 87(2)(b) nor did he hear any officer do this. Mr. Silva did not say, “Get this motherfucker out of here,” nor did he hear any

officer say this. Mr. Silva did not say, “Take his fucking ass to jail,” nor did he hear any officer say this.

Mr. Silva never observed any injuries to § 87(2)(b). Mr. Silva never punched or kicked § 87(2)(b) and he never observed an officer punch or kick § 87(2)(b). Mr. Silva never made contact with § 87(2)(b) neck, nor did he see any officer do this. Mr. Silva did not hear § 87(2)(b) complain of having trouble breathing or of being choked. Mr. Silva did not threaten to break § 87(2)(b) jaw, nor did he hear any officer say this.

Mr. Silva was presented § 87(2)(b) arrest photograph. Mr. Silva said that he could see bruising to the side of § 87(2)(b) face in the arrest photograph but he never saw bruising during the incident. Mr. Silva never observed anything which could have led to the bruising depicted in the arrest photograph. Mr. Silva was presented photographs which § 87(2)(b) provided which depict bruising to his back, arm and sides. Mr. Silva never observed these injuries and he never observed anything which could have led to the injuries depicted in the photographs.

Mr. Silva did not recall how PO DiGangi sustained a fractured right thumb. PO DiGangi complained that he was injured during the incident, but Mr. Silva did not recall anything else about the injury to PO DiGangi.

Mr. Silva was presented the video of the incident. Mr. Silva did not recognize the voice which said, “Sit the fuck down,” nor did he remember an officer saying this.

#### **Medical Records** (privileged folder)

NYC Department of Corrections Correctional Health Services Medical Records do not list any injuries for § 87(2)(b). The medical records do not indicate negative results for injuries. There were negative results for drugs in § 87(2)(b) urine test.

#### **NYPD Documents**

##### **Roll Call** (encl. 46a-1)

The roll call indicates that Sgt. Kalicovic was assigned to vehicle number 4589 and that his operator was PO Tarulli. PO Tarangelo and PO Digangi were assigned to Sectors A and B. The officers assigned to Sector F were PO Behan and PO Silva.

##### **911 Recording** (encl. 40a)

On March 15, 2014, at 5:12PM, an unknown female caller states that she wants to report guns inside her house. She reports that her address is § 87(2)(b) § 87(2)(b). The operator attempts to confirm the spelling of Targee Street and the cross-streets, but the female caller hangs up. The female caller did not sound as if she was in distress. Throughout the recording, no noise in the background may be heard.

##### **Command Log** (encl. 45a-b)

On March 15, 2014, at 5:33PM, the entry pertaining to § 87(2)(b) arrest was logged. § 87(2)(b) was arrested for § 87(2)(a) 160.50 § 87(2)(b) had bruising on his face, and his mental condition was good.

##### **AIDED Report** (encl. 44a)

The AIDED Report was prepared by PO Capursi and reviewed by Sgt. O’Neil. The narrative reads, “[PO Digangi] suffered a fractured thumb as a result of a violent, resisting suspect.”

### **Medical Treatment of Prisoner Report** (encl. 43a)

The Medical Treatment of Prisoner Report was completed on March 15, 2014, by Sgt. Reed of the 120th Precinct. The form indicates that § 87(2)(b) refused medical aid in the field, at the command, and within the court section. § 87(2)(b) had bruises on his face. The narrative of the report reads, "Perp has prior injuries to left side of face and head. Refused Medical Attention."

### **Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming personal injury and seeking \$1,000,000 as redress (encl. 50a-e).

### **Civilians Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilians CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 11a).

### **Subject Officers CCRB History**

- PO Michael Tarangelo has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. 5a).
- PO Richard Digangi has been a member of the service for 7 years and there are no substantiated CCRB allegations against him (encl. 6a-b).
- Sgt. Bekim Kalicovic has been a member of the service for 9 years and there are no substantiated CCRB allegations against him (encl. 7a).
- PO Michael Tarulli has been a member of the service for 13 years and there are no substantiated CCRB allegations against him (encl. 8a-9a).
- PO Brian Behan has been a member of the service for 8 years and there are no substantiated CCRB allegations against him (encl. 10a).

### **Conclusion**

### **Identification of Subject Officers**

The investigation determined that the only officers who were present inside of § 87(2)(b) were Sgt. Kalicovic, PO Tarulli, PO Tarangelo, PO Digangi, PO Behan and former PO Silva. § 87(2)(b) alleged that an officer—decidedly not Sgt. Kalicovic—who was described as a white male with a husky build in his late 20s or early 30s with medium brown hair, threatened him with the use of force and choked him. Neither § 87(2)(b) nor § 87(2)(b) alleged that an officer did either of these things. All of the interviewed officers

denied doing either of these things or observing any officer do either of these things. On October 27, 2014, § 87(2)(b) was presented photographs in which all of the officers who were present at the location were included, and § 87(2)(b) was unable to identify the officer who allegedly did either of these things. § 87(2)(g)

### **Allegations not pleaded**

§ 87(2)(b) and § 87(2)(b) both reported that Sgt. Kalicovic and PO Tarulli had their guns drawn when they entered their apartment (§ 87(2)(b)). Both § 87(2)(b) and § 87(2)(b) said that Sgt. Kalicovic said that they entered in response to a report of gun. The Event corroborates the fact that Sgt. Kalicovic and PO Tarulli responded to the scene in response to a reported gun. The ‘guns drawn’ allegations against Sgt. Kalicovic and PO Tarulli are therefore subsumed by the ‘entry into § 87(2)(b) § 87(2)(b) allegation which was pled against Sgt. Kalicovic since he was the ranking officer and the first to enter.

§ 87(2)(b) alleged that Sgt. Kalicovic pointed his gun at him, and § 87(2)(b) alleged that Sgt. Kalicovic, PO Tarulli, PO Digangi, and PO Tarangelo pointed their guns at him, § 87(2)(b) and § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) alleged that any gun pointed occurred at the time of the entry. It is undisputed that the officers entered without a warrant and in response to a report of a gun. All the ‘guns pointed’ allegations are therefore subsumed by the ‘entry into § 87(2)(b) § 87(2)(b) allegation which was pled against Sgt. Kalicovic since he was the ranking officer and was the first officer to enter.

### **Investigative Findings and Recommendations**

**Allegation A: Abuse of Authority—Sgt. Bekim Kalicovic entered § 87(2)(b) in Staten Island.**

**Allegation C: Abuse of Authority--Sgt. Bekim Kalicovic searched § 87(2)(b) in Staten Island.**

On March 15, 2014, at 5:11PM, an anonymous female caller reported that there were guns inside of § 87(2)(b) § 87(2)(b) in Staten Island, and she hung up. The Event indicates that Sgt. Kalicovic and PO Tarulli were the first officers to arrive at § 87(2)(b) at 5:15PM. § 87(2)(b) and § 87(2)(b) alleged that Sgt. Kalicovic and PO Tarulli entered their apartment, § 87(2)(b) § 87(2)(b) reported seeing Sgt. Kalicovic and PO Tarulli inside of § 87(2)(b).

Sgt. Kalicovic acknowledged that upon arriving at the scene, he and PO Tarulli immediately entered § 87(2)(b) without a warrant and without consent. Sgt. Kalicovic said that he was the first officer to enter. PO Tarulli denied entering § 87(2)(b) or seeing Sgt. Kalicovic enter § 87(2)(b). There was no noise coming from § 87(2)(b) when Sgt. Kalicovic and PO Tarulli arrived. No additional information was learned regarding the job prior to the entry.

The only factor which Sgt. Kalicovic cited for the entry was the radio run. Sgt. Kalicovic said that the radio run did not include an apartment number, that commotion was reported in the background, and that a male was “going crazy with a firearm” or “acting disorderly with a firearm” on the second floor.

The 911 call recording, the Police Radio Communications recording, and the Event documentation all indicate that the only information provided was that an anonymous female caller reported that there were guns inside of § 87(2)(b) § 87(2)(b) and she hung up.

After determining that neither observed occupant had a gun, and without observing anything indicative of anyone else inside the apartment, Sgt. Kalicovic looked inside of the bedrooms of the apartment. Sgt. Kalicovic said that before he searched the bedrooms he asked over the radio which apartment the radio-run regarded, and he was told that it was § 87(2)(b). After hearing this information, Sgt. Kalicovic said that he went inside each bedroom to “clear the apartment”

for safety purposes. § 87(2)(b) and § 87(2)(b) both said that Sgt. Kalicovic did not go over his radio to ask about the apartment number until after he looked inside the bedrooms of the apartment. § 87(2)(b) alleged that Sgt. Kalicovic opened closet doors in the apartment.

*Florida v. Supreme Court of the United States (1993) 529 U.S. 266* found that an anonymous tip that a person is carrying a gun is not, without more, sufficient to justify a police officer's stop and frisk of that person (encl. 1d-o).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B: Discourtesy--Sgt. Bekim Kalicovic spoke discourteously to § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation D: Discourtesy--PO Michael Tarulli spoke discourteously to § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(b) alleged that immediately when Sgt. Kalicovic entered § 87(2)(b) Sgt. Kalicovic told him to, "Get the fuck out of the way," to be quiet, and to, "Shut the fuck up." § 87(2)(b) did not independently offer that Sgt. Kalicovic said this, but when asked, § 87(2)(b) confirmed that Sgt. Kalicovic said these things. Sgt. Kalicovic said that he did not say to "get the fuck back," and PO Tarulli denied being in the apartment and denied hearing any officer use profanity throughout the incident.

PO Tarulli denied entering § 87(2)(b) § 87(2)(b) However, as discussed in Allegation A, the investigation determined that Sgt. Kalicovic and PO Tarulli entered § 87(2)(b)

§ 87(2)(b) § 87(2)(b) and § 87(2)(b) all said that while Sgt. Kalicovic and PO Tarulli were inside of § 87(2)(b) § 87(2)(b) began walking up the stairs of § 87(2)(b) and that PO Tarulli told § 87(2)(b) to "get the fuck" out of the apartment. § 87(2)(b) and § 87(2)(b) said that § 87(2)(b) immediately complied with the order. § 87(2)(b) said that PO Tarulli told him to leave, that he paused momentarily, PO Tarulli said, "Get the fuck out of here," and that he immediately complied.

Sgt. Kalicovic did not hear PO Tarulli say, "Get the fuck down the stairs," nor did he remember a civilian coming up the stairs while he and PO Tarulli were inside of § 87(2)(b) PO Tarulli said he did not use any profanity throughout the incident.

*NYPD v. Court* found that an officer may use profanity in difficult circumstances to gain compliance with an order (encl. 2a-j).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation E: Abuse of Authority--Sgt. Bekim Kalicovic entered § 87(2)(b) in Staten Island.**

Sgt. Kalicovic was the first of six officers who entered § 87(2)(b) § 87(2)(b) in response to an anonymous report of a gun. Sgt. Kalicovic did not hear anything from inside the apartment prior to entering § 87(2)(b). Sgt. Kalicovic said that § 87(2)(b) and § 87(2)(b) told him that they had heard screaming coming from § 87(2)(b) § 87(2)(b) and § 87(2)(b) did not report that they told Sgt. Kalicovic they heard screaming from § 87(2)(b). The civilians were unanimous in stating that there was no commotion coming from inside § 87(2)(b) prior to Sgt. Kalicovic entering.

*Florida v. Supreme Court of the United States* (1993) 529 U.S. 266 found that an anonymous tip that a person is carrying a gun is not, without more, sufficient to justify a police officer's stop and frisk of that person (encl. 1d-o).

§ 87(2)(g)

§ 87(2)(g)

**Allegation F: Force--Sgt. Bekim Kalicovic used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.**

**Allegation G: Force--PO Brian Behan used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.**

**Allegation H: Force--PO Michael Tarangelo used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.**

**Allegation I: Force--PO Michael Tarulli used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.**

**Allegation J: Force--PO Richard Digangi used physical force against § 87(2)(b) inside of § 87(2)(b) in Staten Island.**

It is undisputed that physical force was used to apprehend § 87(2)(b) and that Sgt. Kalicovic was the first officer to make physical contact with § 87(2)(b) and § 87(2)(b) (from her statement on the video) all said that § 87(2)(b) was gesturing innocuously at the point when Sgt. Kalicovic initiated physical force against him. Broadly speaking, the officers said that physical force was used against § 87(2)(b) only after § 87(2)(b) made a threatening motion towards Sgt. Kalicovic.

§ 87(2)(b) said that Sgt. Kalicovic punched him in the face and tackled him to the ground; PO Behan, PO Tarangelo, PO Tarulli, PO Digangi, and former PO Silva all surrounded him and punched and kicked him. § 87(2)(b) did not see Sgt. Kalicovic punch § 87(2)(b) while § 87(2)(b) was standing, but he corroborated that Sgt. Kalicovic took § 87(2)(b) to the ground, that Sgt. Kalicovic punched § 87(2)(b) once on the ground, and that other officers kicked § 87(2)(b) while he was on the ground. § 87(2)(b) said that § 87(2)(b) was taken to the ground and that “all [the officers] started jumping him.” § 87(2)(b) said that an officer kicked § 87(2)(b) and an officer punched § 87(2)(b).

All officers reported that § 87(2)(b) resisted arrest. § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) denied that § 87(2)(b) resisted arrest. Sgt. Kalicovic did not recall everything which he did to overcome § 87(2)(b) reported resistance, but he did not recall kicking or punching him, and he did not see any other officer kick or punch § 87(2)(b). None of the officers acknowledged kicking or punching § 87(2)(b) and none recalled seeing any other officer do so.

§ 87(2)(b) arrest photograph depicts bruising and swelling to the left side of § 87(2)(b) face, and the command log notes bruising to § 87(2)(b) face. § 87(2)(b) provided four photographs to the CCRB on May 28, 2014 in which there is redness from the chin to the forehead, including the ear, on the left side of § 87(2)(b) face, three discreet circular bruises to § 87(2)(b) left side of his back, and bruising to § 87(2)(b) left tricep and the left side of his back—§ 87(2)(b) said that he sustained the depicted injuries as a result of the incident and that the photographs were taken on approximately April 1, 2014. Correctional Health Services Medical Records do not note any injuries to § 87(2)(b).

Sgt. Kalicovic was the only person who reported that § 87(2)(b) had swelling to his face prior to physically interacting with the police (Sgt. Kalicovic did not remember to which side of the face he observed swelling), and Sgt. Kalicovic was the only officer to offer any explanation as to how § 87(2)(b) may have sustained the bruising to his face aside from being taken to the ground—Sgt. Kalicovic said § 87(2)(b) was “banging his head” inside of the apartment and inside of the RMP which could have led to swelling.

PO Digangi sustained a fractured right thumb and went Line of Duty as a result of the incident. PO Digangi did not know what specifically caused his injury.

Patrol Guide Procedure 203-11 mandates that officers use the minimum necessary force when effecting an arrest (encl. 4a-b).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation K: Offensive Language--Sgt. Bekim Kalicovic made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation L: Offensive Language--PO Brian Behan made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation M: Offensive Language--PO Michael Tarangelo made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation N: Offensive Language--PO Richard Digangi made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation O: Offensive Language--PO Michael Tarulli made remarks to § 87(2)(b) based upon race inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(b) alleged that every officer who was present inside of his apartment, which the investigation determined was Sgt. Kalicovic, PO Behan, PO Tarangelo, PO Digangi, and PO Tarulli, (and former PO Silva), called him a “nigger.” § 87(2)(b) said he did not recall what the officers were saying to § 87(2)(b) § 87(2)(b) did not hear any officer make comments based upon race. None of the officers acknowledged making comments to § 87(2)(b) based upon race, and none recalled hearing any officer make comments to § 87(2)(b) based upon race.

§ 87(2)(g)

**Allegation P: Abuse of Authority--An officer threatened § 87(2)(b) with the use of force inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

**Allegation Q: Force--An officer used a chokehold against § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

As discussed in the ‘Identification of Subject Officer’ section, the investigation was unable to identify which officer allegedly threatened § 87(2)(b) with the use of force and used a chokehold against him. § 87(2)(b) was presented photographs of each officer who was present during the incident, but he was unable to identify the officer who allegedly choked him and



threatened him with the use of force (encl. 17a-o). § 87(2)(b) was not sure what officers were saying to § 87(2)(b) while inside of the apartment, and he was not sure if an officer choked him. § 87(2)(b) did not report that an officer threatened § 87(2)(b) with the use of force, nor did she report that an officer choked § 87(2)(b). None of the interviewed officers admitted threatening § 87(2)(b) with the use of force or choking § 87(2)(b) and none of the officers recalled observing either of these things. § 87(2)(g)

**Allegation R: Abuse of Authority--An officer threatened to arrest § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(b) alleged that one of two officers—one of whom was described as a white male who stood 5’7” tall, dark hair and stocky, and one of whom was described as a white male who stood 5’6” – 5’7” tall, stocky, in his late 30s--threatened to arrest her. The physical descriptions § 87(2)(b) provided did not go far in distinguishing the officers from one another, and none of the officers acknowledged threatening to arrest § 87(2)(b) or remembering any officer doing so. § 87(2)(b) did not hear an officer threaten to arrest § 87(2)(b) and § 87(2)(b) did not remember hearing an officer do this. § 87(2)(g)

**Allegation S: Discourtesy--Sgt. Bekim Kalicovic spoke discourteously to § 87(2)(b) inside of § 87(2)(b) § 87(2)(b) in Staten Island.**

§ 87(2)(b) alleged that after he was placed in handcuffs, Sgt. Kalicovic said, “Get this motherfucker out of here.” § 87(2)(b) did not report that Sgt. Kalicovic said this. § 87(2)(b) said that after § 87(2)(b) was handcuffed an officer said, “Take his fucking ass to jail.”

Sgt. Kalicovic said that he did not say, “Get this motherfucker out of here,” or “Take his fucking ass to jail.” PO Tarulli, PO Tarangelo, PO Behan, and former PO Silva did not hear any officer say either of these things. PO Digangi did not hear any officer refer to § 87(2)(b) as a “motherfucker.”

As noted in the analysis of Allegation B, Sgt. Kalicovic’s credibility was damaged compared to the 911 recording, and in the face of credible and consistent civilian testimony, the investigation determined that Sgt. Kalicovic spoke discourteously during the incident. Moreover, in the video when § 87(2)(b) is being escorted to the RMP, a voice, ostensibly a police officer, says, “Sit the fuck down.” Sgt. Kalicovic did not recognize the voice in the video.

*NYPD v. Court* found that an officer may use profanity in difficult circumstances to gain compliance with an order (encl. 2a-j).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
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